

REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	Reporting & Disclosure Act <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSI/Title XVI <input type="checkbox"/> 865 rsi (405(G))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 895 Act Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
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V. ORIGIN(PLACE AN "X IN ONE BOX ONLY)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (Specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

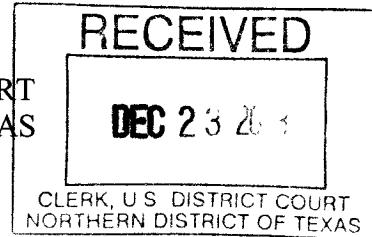
VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

This Court has original jurisdiction over this civil action on the basis of diversity. (28 U.S.C. § 1332).

VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A CLASS ACTION <input type="checkbox"/> UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> YES
VIII. RELATED CASE(S) (See instructions): IF ANY None.	JUDGE _____	DOCKET NUMBER _____	
12/23/2003	DATE/SIGNATURE OF ATTORNEY OF RECORD <i>Danielle Texas Cleason</i>		
FOR OFFICE USE ONLY			
RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____ MAG. JUDGE _____

Original

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



ROB J. MCCOY,

PLAINTIFF,

v.

EXHIBITGROUP/GILTPUR, INC. AND VIAD
CORPORATION INC.,

DEFENDANTS.

303 CV 3050 P
CIVIL ACTION NO.: _____

SUPPLEMENT TO CIVIL COVER SHEET

1. State Court Information:

Court	Case Number
In the District Court of Dallas County Texas, 116 th Judicial District	03-12589

2. Style of the Case:

(Please include all Plaintiff(s), Defendant(s), and Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named, and include their bar number, firm name, correct mailing address, and phone number (including area code.)

Party and Party Type	Attorney(s)
Rob J. McCoy, Plaintiff	Mr. Brian Cuban SBN: 05201250 Mr. Gary S. Abrams SBN: 24010616 Mr. Barry Zisman SBN: 22279350 Zisman Law Firm, P.C. 1412 Main Street Twenty-Third Floor Dallas, Texas 75202 Phone: (214) 745-1300

7. **Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claims(s)</u>
Rob J. McCoy, Plaintiff	Declaratory Judgment

FULBRIGHT & JAWORSKI L.L.P.

By: 
Richard M. Kobdish
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Danielle Alexis Clarkson
State Bar No. 24027915

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ATTORNEYS FOR DEFENDANTS
EXHIBITGROUP/GILTSPUR, INC. AND VIAD
CORP.

ORIGINAL

NORTHERN DISTRICT OF TEXAS

FILED

DEC 23 2003

CLERK, U.S. DISTRICT COURT
BY _____

303 CV 3050 P

CIVIL ACTION NO.: _____

CTS ROB J. MCCOY,

PLAINTIFF,

V.

EXHIBITGROUP/GILTSPUR, INC. AND VIAD
CORPORATION INC.,

DEFENDANTS.

NOTICE OF REMOVAL

COME NOW Exhibitgroup/Giltspur, Inc. and Viad Corp. (collectively "Defendants") and file this their Notice of Removal of an action styled *Rob J. McCoy v. Exhibitgroup/Giltspur, Inc. and Viad Corporation Inc.*, Cause No. 03-12589, which was filed on December 1, 2003 and which presently is pending in the District Court of Dallas County, Texas, F-116th Judicial District, to remove this case to the United States District Court for the Northern District of Texas, Dallas Division, and in support thereof would respectfully show as follows:

I.**INTRODUCTION**

Plaintiff Rob J. McCoy's ("Plaintiff") Original Petition for Declaratory Judgment ("Plaintiff's Petition") was filed on December 1, 2003. A copy of same was received on Defendants via service on their registered agent on that same day. Pursuant to 28 U.S.C. § 1446(b), Defendants file this Notice of Removal within the thirty (30) day time period required by 28 U.S.C. § 1446(b).

II.

DIVERSITY AS A GROUND FOR REMOVAL

This Court has original jurisdiction over this action on the basis that Plaintiff's suit involves a matter in controversy exceeding \$75,000.00 and citizens of different states. *See* 28 U.S.C. §§ 1332(a)(1) and 1441(b). Specifically, Plaintiff, as alleged in his Petition, is a citizen of Texas. For diversity purposes, Defendant Viad Corp. is considered to be a citizen of both the state in which it is incorporated (Delaware)¹ and the state in which it has its principal place of business (Arizona). As there is complete diversity between the parties, removal of the action is appropriate pursuant to federal law.

III.

ALL FEDERAL REMOVAL REQUIREMENTS HAVE BEEN MET

This Notice of Removal is timely filed with this Court pursuant to 28 U.S.C. § 1446(b), because it was filed within thirty (30) days of the date on which Defendants first received, through service or otherwise, a copy of the initial pleading setting forth the claim for relief upon which such action is based. The venue of this removal action is proper pursuant to 28 U.S.C. § 1441(a) and (c), inasmuch as the United States District Court for the Northern District of Texas, Dallas Division, embraces Dallas County, Texas, and the 116th Judicial District Court, which is the place where the state court action has been pending.

Immediately upon the filing of this Notice of Removal, Defendants will give written notice to Plaintiff's attorney of the removal of this case, and will file a copy of this Notice of

¹ Defendant Exhibitgroup/Giltspur, Inc. ("Exhibitgroup") is a division of Viad Corp., which is a Delaware corporation. Exhibitgroup's principal place of business is in Illinois. There is therefore complete diversity amongst the parties.

Pursuant to Local Rule 81.1, attached hereto as Exhibit 1 is an index of all documents which clearly identifies each document and indicates the date on which each was filed in state court, a copy of the state court docket sheet, and a copy of each document filed in the state court action (except discovery) individually tabbed and arranged in chronological order according to the state court file date.

No act of Congress prohibits the removal of this cause, and this cause is removable under 28 U.S.C. § 1441 *et seq.*

WHEREFORE, Defendants pray that the above-entitled cause be removed to the United States District Court for the Northern District of Texas, Dallas Division, and that this Court assume jurisdiction of this lawsuit and retain it for final disposition and for such other relief, both general and special, at law or in equity, to which Defendants may be justly entitled.

FULBRIGHT & JAWORSKI L.L.P.

By: Danielle Alexis Clarkson
Richard M. Kobdish
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ATTORNEYS FOR DEFENDANTS
EXHIBITGROUP/GILTSPUR, INC. AND VIAD
CORP.

CERTIFICATE OF SERVICE

This pleading, NOTICE OF REMOVAL, was served in compliance with Rule 5 of the Federal Rules of Civil Procedure by Certified Mail, Return Receipt Requested on this 23rd day of December, 2003.

Mr. Barry Zisman
Zisman Law Firm, P.C.
1412 Main Street
Twenty-Third Floor
Dallas, Texas 75202


Danielle Alexis Clarkson